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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q91806

Kazunori OZAWA

Appln. No.: 10/560,306

Group Art Unit: Not Yet Assigned

Confirmation No.: Not Yet Assigned

Examiner: Not Yet Assigned

Filed: December 12, 2005

For: RECEIVER, TRANSMITTER AND TRANSMISSION/RECEPTION SYSTEM FOR  
MEDIA SIGNAL

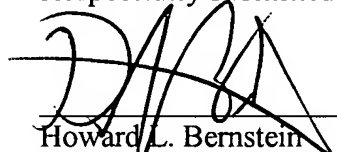
**SUBMISSION OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

For the Examiner's convenience, enclosed herewith is a copy of the English translation of the International Preliminary Report on Patentability (IPRP). It is assumed that copies of the cited references as required by §371(c) will be supplied directly by the International Bureau, but if further copies are needed, the undersigned will undertake to provide them upon request.

Respectfully submitted,

  
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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: August 23, 2006

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

MIYAZAKI, Teruo  
8th Floor, 16th Kowa Bldg., 9-20, Akasaka 1-chome,  
Minato-ku, Tokyo  
1070052  
JAPON



Date of mailing (day/month/year)  
04 May 2006 (04.05.2006)

Applicant's or agent's file reference  
NEC04P062

International application No.  
PCT/JP2004/008034

International filing date (day/month/year)  
09 June 2004 (09.06.2004)

Applicant

NEC CORPORATION et al

IMPORTANT NOTIFICATION

## 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

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# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference NEC04P062	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/JP2004/008034	International filing date ( <i>day/month/year</i> ) 09 June 2004 (09.06.2004)	Priority date ( <i>day/month/year</i> ) 11 June 2003 (11.06.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant NEC CORPORATION		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 40%;">Box No. I</td> <td style="width: 50%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VII	Certain defects in the international application																							
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 24 April 2006 (24.04.2006)
Facsimile No. +41 22 740 14 35	Authorized officer  <div style="text-align: center; font-weight: bold;">Yoshiko Kuwahara</div> Telephone No. +41 22 338 90 90

# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**NEC04P062**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/JP2004/008034**

International filing date (day/month/year)

**09.06.2004**

Priority date (day/month/year)

**11.06.2003**

International Patent Classification (IPC) or both national classification and IPC

Applicant

**NEC CORPORATION**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/008034

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2004/008034

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1. Statement**

Novelty (N)	Claims	4, 18	YES
	Claims	1-3, 5-17, 19-29	NO
Inventive step (IS)	Claims		YES
	Claims	1-29	NO
Industrial applicability (IA)	Claims	1-29	YES
	Claims		NO

**2. Citations and explanations:**

Document 1: JP, 10-336626, A (NEC Soft. Ltd.), 18 December, 1998 (18.12.98)

Document 2: JP, 2002-84339, A (Matsushita Electric Industrial Co., Ltd.), 22 March, 2002 (22.03.02) & US, 2002/0004840, A1

The subject matters of claims 1-3, 5-17 and 19-29 appear neither to be novel nor involve an inventive step in view of document 1 cited in the ISR.

Document 1 (paragraphs [0001]-[0008], [0019]-[0023], Fig. 1-4) discloses an invention developed for the purpose of seamlessly delivering images under a VOD system that provides video programs using an uninsured zone transmission path even when the speed at which they travel through the path changes. Toward this end, for one video program, a plurality of bit rate data are created and recorded on the server side by changing the audio-visual encoding data, and the bit rate change in the transmission path between the server and the client is then recognized on the client side. A request for bit rate change is made to the server on the basis of the said recognition. The bit rate images that meet the request for bit rate change received from the client side are selected and dynamically converted and delivered on the server side. Document 1, then, describes that a request for decreasing the bit rate is made when the amount of accumulated data in the buffer exceeds the upper threshold value, and a request for increasing the bit rate is made when the amount of accumulated data in the buffer is less than the lower threshold value.

The selection of a suitable technique to be used on the server side to create medium signals of different bit rates is nothing more than a design variation that a person skilled in the art can perform as required.

The subject matters of claims 4 and 18 does not appear to involve an inventive step in view of document 1 and the ISR cited in document 2.

Claims 1-3, paragraphs [0018]-[0026] and [0109]-[0111] of document 2 discloses an invention developed to enable the server to avoid breakdown of streaming reproduction due to overflow or underflow of the buffer even when the transmission capability of the network fluctuates by using a streaming method for transmitting medium signals such as image data and audio data to the terminal. Toward this end, the terminal determines the transmission capability of the network by comparing its electric field intensity and threshold value. Then, on the basis of the said network capability and its own buffer capacity, the terminal sets a target for the amount of data it should accumulate in the buffer and notifies the server and also ascertains its own buffer fullness and notifies the server. The server then determines whether or not the terminal's buffer fullness is more than the targeted value. If it is not, the speed at which data is transmitted to the terminal is increased; if it is, the speed is decreased. Moreover, paragraphs [0136]-[0140] of the document describe a technology that uses threshold value C (the value at which the electric field intensity changes from weak to no service [or from no service to weak]).

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/008034

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

The inventions described in documents 1 and 2 relate to the same technical challenge in that they both make possible seamless reproduction of images under a video delivery system. In the invention described in document 1, any person skilled in the art could have easily come up with the idea of delivering medium signals to cell phones as described in document 2. It would be easy for the person in the art that conceived of the idea of delivering medium signals to the aforementioned cellular phones to apply in document 1 the control technology that takes into account the occurrence of handovers described in cited document 2.